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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9

10 MA ELENA VARGAS GUERRA,
11 Plaintiff,

12 v.

13 KEVIN McALEENAN, Acting Secretary
14 of Department of Homeland Security;
Jeanne Kent, Field Director, USCIS,
15 Defendant.

Case No.: 2:19-cv-00655-JAD-NJK

Stipulation and Order to Remand

ECF Nos. 4, 11, 14

16 The United States of America (“Government”) and Ma Elena Vargas-Guerra
17 (“Petitioner”), by and through undersigned counsel, hereby stipulate to remand this matter
18 to the United States Citizen and Immigration Services (“USCIS”) to process Petitioner’s N-
19 400 application for citizenship. This stipulation does not waive or otherwise limit the
20 Government’s authority and obligation to determine Petitioner’s eligibility for citizenship,
21 and, assuming there are no issues going to eligibility apart from submission of the Form
22 Supplement A and payment of the \$1,000 processing fee required under 8 U.S.C. 1255(i)
23 identified in Petitioner’s complaint (ECF No. 1), USCIS will make its best effort to
24 adjudicate the application within 90 days of remand. Further, upon successful adjudication
25 of the N-400, USCIS will make its best effort to have Petitioner sworn in as a United States
26 citizen within 90 days thereafter.

27 Based on the foregoing, and good cause appearing, the parties hereby stipulate as
28 follows:

1. This matter shall be remanded to USCIS for processing of Petitioner's N-400
2 application for citizenship;

3. USCIS will make its best effort to adjudicate the application within 90 days after
4 remand;

5. Aside from the issue regarding submission of the Form Supplement A and \$1,000
6 processing fee under 8 U.S.C. § 1255(i) identified in Petitioner's complaint, the Government
7 is not precluded nor has it waived its authority and obligation to determine all other aspects
8 of Petitioner's eligibility for citizenship;

9. Petitioner's complaint, ECF No. 1, shall be dismissed, without prejudice, as against
10 all defendants with each party to bear their own fees, including attorney's fees, and costs.

11 Respectfully submitted this 6th day of February, 2020.

12 NICHOLAS A. TRUTANICH
13 United States Attorney

FOUNTAS & ASSOCIATES
Constantino Gus Fountas, Esq.

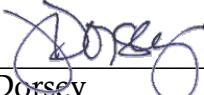
14
15 /s/ Mark Woolf
16 MARK E. WOOLF
Assistant United States Attorney

/s/ Gus Fountas
GUS FOUNTAS
Attorney for Petitioner

17 **ORDER**

18 Based on the parties' stipulation [ECF No. 14], IT IS SO ORDERED.

19 IT IS FURTHER ORDERED that **this action is DISMISSED** without prejudice, each
20 party to bear its own fees and costs, the motion to dismiss [ECF No. 4] is **DENIED** as
21 moot, and the report and recommendation [ECF No. 11] is **rejected as moot**. The
Clerk of Court is directed to **CLOSE THIS CASE**.

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23 
24 Jennifer A. Dorsey
United States District Judge

25 Dated: 2-7-2020